

No. 9/5/84-6Lab/3280.—In pursuance of the provisions of section 17 of Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Dalmia Cement Bharat Ltd., 23 mile Stones, Mathura Road, Ballabgarh.

BEFORE SHRI R.N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 227/1981

between

SHRI SHISH RAM, WORKMAN AND THE MANAGEMENT OF M/S. DALMIA CEMENT BHARAT LTD., 23-MILE STONES, MATHURA ROAD, BALLABGARH

Present:—

Shri R.P. Singh, for the workman.
Shri C. M. Lal, for the Management.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) of Section-10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Shish Ram, workman and the management of M/s. Dalmia Cement Bharat Ltd., 23-Mile Stones, Mathura Road, Ballabgarh, to this Tribunal for adjudication:—

Whether the termination of services of Shri Shish Ram, was justified and in order ? If so, to what relief is he entitled ?

2. Notices were issued to both the parties. In the claim statement filed on 23rd November, 1981, it was alleged that the claimant was employed by the respondent, but, terminated the services without any prior notice and no chargesheet was served nor any enquiry was held against the claimant. It was then alleged that the services of the claimant were terminated illegally and as such he was entitled to reinstatement with full back wages.

3. The written statement was filed on 7th December, 1981, while the amended written statement on 27th May, 1982. It was pleaded that there was no relationship of employer and employee between the parties. It was then pleaded that the management did not terminate the services of the claimant, whose name was removed from the roll by the earlier management of M/s. Telesound India Limited in accordance with the Certified Standing Orders applicable to the establishment on account of his continued and unauthorised absence for more than 8 days. It was further pleaded that as per the Scheme of Amalgamation of M/s. Telesound India Ltd., with Dalmia Cement (Bharat) Limited as sanctioned by the Hon'ble Delhi High Court, no liability has been placed on the respondent Management vis-a-vis, the employees of M/s. Telesound India Ltd., who was not the employee of the said company on the date on which the order of the Hon'ble Court sanctioning the scheme was passed on 5th November, 1980/5th December, 1980 and that the claimant was not in employment of M/s. Telesound India Ltd., on that date. It was then pleaded that in any case the claim made by the claimant after lapse of about 8 years was highly belated and not maintainable. It was further pleaded that the claimant remained absent from duty in an unauthorised manner from 22nd August, 1973 and as such was deemed to have lost his lien on the job as per clause 16 of the Standing Orders applicable to the employees of the Establishment and his name was, therefore, removed from the roll of the Establishment as per the management letter, dated 1st September, 1973. It was further pleaded that the claimant had stolen some property of the said Management and was challaned by the Government, which was gross mis-conduct warranting termination of his services.

4. The claimant in his rejoinder dated 28th November, 1981, reiterated the pleas taken in the claim statement.

5. On the pleadings of the parties, the following issues were framed on 7th July, 1982:—

- (1) Whether there was a relationship of employee and employer between the parties ? OPW.
- (2) Whether the Management was liable for the claim of the workman in view of the order of Hon'ble Delhi High Court OPW.
- (3) Whether the claim was belated and if so, to what effect ? OPM.
- (4) Whether the termination of services of Shri Shish Ram was justified and in order ? If not, to what relief is he entitled ? OPM.

6. It may be mentioned that the Management has examined two witnesses and documents Ex. M-1 to M-5 have been tendered into evidence, The claimant has examined two witnesses and documents Ex. W-1 to W-3 have been tendered into evidence. After going through the entire evidence and hearing both the representatives of the parties, my findings on the above issues are as under:—

Issue No. 1:

7. MW-1 Shri Vikram Hoon, Personnel Officer of the respondent stated that the claimant was not employed by their company but he was employed by Erstwhile Telefunken which was later on named and styled as Telesound India Limited, Ballabgarh. He further stated that M/s. Telesound India Ltd., was closed in the year,

1977 when winding up of proceedings of the said Company were initiated in the Hon'ble Delhi High Court, but subsequently in December, 1980, under the amalgamation scheme, Telesound India Ltd., was amalgamated with the present Company viz. Dalmia Cement Bharat Ltd., Ballabgarh. He further stated that the services of the claimant were not terminated by the present company, but Erstwhile Telesound India Ltd., Ballabgarh, had terminated his services on 1st September, 1973,—vide letter Ex. M-1 which was sent by registered post, but was received back as undelivered with the report that the addressee had refused to receive the same,—vide registered cover Ex. M-3. He further stated that the document Ex. M-4 contained the Certified Standing Orders of M/s. Telefunken India Ltd., which applied to M/s. Telesound India Ltd.. He then stated that the present company was liable for 134 employees whose list was given by the Erstwhile Company and were on the rolls at the time of amalgamation and further that the claimant was not on the roll of M/s. Telesound India Ltd., Ballabgarh on the date of amalgamation. Ex. M-5 is the list of 137 employees. MW-2 Shri Deputy Dutt Sharma stated that previously he used to work in Telesound India Ltd., Ballabgarh which was closed while the Dalmia Cement Bharat Limited came into existence on 23rd December, 1980 and took over M/s. Telesound India Ltd., by the order of the Hon'ble Delhi High Court as per the scheme of amalgamation. He further stated that the claimant was the Security Guard in M/s. Telesound India Limited and he remained absent for a number of days and his name was struck off on account of absence according to the standing orders, Ex. M-4 and the letter Ex. M-1 was issued by Shri A.K. Sethi Personnel Officer. He further stated that M/s. Telesound India Ltd., Ballabgarh had given the list of its employees in Hon'ble Delhi High Court, copy of which was Ex. M-5 and that M/s. Dalmia Cement Bharat had not terminated the service of the claimant and that the claimant was not in service, when the present company started functioning.

7. The claimant has examined WW-1, Shri Shyam Lal, who stated that he also, worked as Security Guard in M/s. Telefunken Limited. He then stated that the company wanted to terminate the services of the Security Guards on the plea that they wanted to engage the Security Guards on contract basis. He further stated that on 22nd August, 1973, he came for duty, when the claimant was arrested by the police at about 7.30 p.m. He further stated that keeping in view the situation prevailing in that factory he resigned from his job. WW-2 is the claimant who stated that he was employed as Chowkidar on 10th December, 1967 and was drawing Rs. 230 per month. He further stated that he was arrested on 22nd August, 1973 from the factory on the basis of first information report lodged by the management and he remained in police/judicial custody for 12th/13th days. He further stated that after being released on bail, he went to the factory to join duty, but he was not allowed to do so by Shri R.K. Bhatia, Chief Security Officer, who told him that the matter would be considered after the criminal case had been decided. He then stated that the challan was filed against him, but he was acquitted in the criminal case,—vide copy of the judgement Ex. W-3, (dated 4th December, 1978) when he went to the factory and the watchman asked him to go to Delhi Head Office and he met Shri V.K. Gupta of the respondent company, who told him that the claimant would be taken back on duty after one or two months when the factory started working as it was lying closed at that time. He further stated that he was not told regarding any amalgamation scheme, and that no letter was received from the respondent when he was in the police custody and that the management had knowledge regarding criminal proceedings which were pending in the Judicial Court. He further stated that no letter was sent by the Management after his acquittal. He further stated that he was not paid any compensation. Ex. W-1 is the copy of the appointment letter of the claimant.

8. A perusal of the above evidence would show that MW-1 Shri Vikram Hoon and MW-2 Shri Deputy Dutt Sharma have deposed that the claimant was employed by M/s. Telefunken Ltd., which was later on known as M/s. Telesound India Ltd., and that the services of the claimant were terminated on 1st September, 1973 for his continued absence from duty for 8 days. They further deposed that M/s. Telesound India Ltd., was closed in 1977. Their testimony is also to the effect that winding up proceedings of M/s. Telesound India Ltd., took place but ultimately Telesound India Ltd., was amalgamated with M/s. Dalmia Cement Bharat Limited as per the scheme of amalgamation on 23rd December, 1980 and since the claimant was not on the roll of M/s. Telesound India Ltd., on 23rd December, 1980, therefore, there was no relationship of employer and employee between the parties inasmuch as his name did not appear in the list of employees Ex. M-5 which was prepared at the time of amalgamation. The testimony of WW-1 Shri Shyam Lal and WW-2 Shri Shish Ram claimant is to the effect that the claimant was arrested by the Police on 22nd August, 1973 when he was on duty because the first information report regarding theft was lodged against him by M/s. Telesound India Ltd., and that the claimant remained in police/judicial custody for 12/13 days and that no letter was received by the claimant when he was in police/judicial custody. Their evidence is to the effect that after being released on bail, the claimant was asked to wait till the decision of the criminal case and that the claimant was acquitted on 4th December, 1978 in that case when he came to the factory which was lying closed and that the claimant was asked to wait by Shri V.K. Gupta of Telesound India Ltd. for sometime because the factory was lying closed and further that the claimant was not told regarding amalgamation scheme. The argument of the representative of the management is that according to para 12 of the scheme of amalgamation all the employees of M/s. Telesound India Ltd., on the date on which the order of the Hon'ble Court sanctioning the scheme was passed would become the employees of M/s. Dalmia Cement Bharat Ltd., Ballabgarh without any break or interruption in service and on terms and conditions not less favourable to them. It was further argued that in the list Ex. N-5 which was prepared at that time, the name of the claimant did not appear and as such there was no relationship of employer and employee between the parties. The argument of the representative of the claimant, on the other hand, is that the order terminating the service of the claimant was illegal and if the said order was set aside, the claimant would be deemed to be in service of M/s. Telesound India Ltd., Ballabgarh with effect from 1st September, 1973 and since M/s. Telesound India Ltd., Ballabgarh was amalgamated with M/s. Dalmia Cement

Bharat Ltd., Ballabgarh on 23rd December, 1980, therefore, the claimant became the employee of M/s. Dalmia Cement Bharat Limited, Ballabgarh.

9. From the above evidence, it is clear that the claimant was got arrested by M/s. Telesound India Ltd., on 22nd August, 1973 and he remained in police/judicial custody for 12/13 days. If the impugned order dated 1st September, 1973 is found to be unjustified nor in order, the claimant is entitled to be reinstated which would take effect from 1st September, 1973. M/s. Telesound India Ltd. was closed in 1977 and winding up proceedings took place and ultimately this Company was amalgamated with M/s Dalmia Cement Bharat Ltd. on 23rd December, 1980. The name of the claimant is not mentioned in the list Ex. M-1 but he would be deemed to be in service with effect from 1st September, 1973 if the termination order is set aside and consequently in that event he would be on the roll of the M/s. Telesound India Ltd. on 23rd December, 1980 when the amalgamation took place. In this situation clause 12 of the Amalgamation Scheme helps the claimant. It is thus held that there was relationship of employer and employees between the parties if the termination of service of the claimant is found to be unjustified not in order. The issue is decided accordingly in favour of the claimant.

Issue No. 2.

10. In view of the above discussion on Issue No. 1, it is held that the respondent-management is liable to take back the claimant on duty if the termination order is found to be unjustified nor in order. The issue is decided accordingly in favour of the workman.

Issue No. 3.

11. The claimant was arrested on 22nd August, 1973 and he remained in police/judicial custody for 12/13 days i.e. upto 3rd September, 1973 but his service was terminated on 1st September, 1973. If he was not being allowed to join duty, he must have filed a complaint in writing but he depended on the oral assurance of Shri R.K. Bhatia, Chief Security Officer that his case would be considered when the criminal case was decided. The said case was decided on 4th December, 1978. He filed the demand notice on 27th April, 1981 and prior to that M/s. Telesound India Ltd. was amalgamated with M/s Dalmia Cement Bharat Ltd. on 23rd December, 1980. The claimant should have taken up the matter in writing and should not have depended on oral promise for such a long period from 3rd September, 1973 to 27th April, 1981. For this delay on his part, the respondent-management cannot be burdened with back wages. The issue is decided accordingly in favour of the Management.

Issue No. 4.

12. The evidence of both the parties has been referred to in detail in issue No. 1. The claimant was not arrested by M/s. Telesound India Ltd. on 22nd August, 1973 in criminal case and he remained in police/judicial custody for 12/13 days i.e. upto 3rd September 1973 but prior to his release, his services were terminated on 1st September, 1973 on the ground of his continued absence from duty for 8 days. The Management of M/s Telesound India Ltd. knew that the claimant was in police/judicial custody because the arrest was made by the police at the instance of M/s. Telesound India Ltd. As such the management should have waited till the claimant was released on bail. The management terminated the service vide letter Ex. M-1 under clause 16 of the Certified Standing Orders copy Ex. M-4 which clause relates to leave and not regarding the absence on account of arrest or otherwise for any reasons for more than one week. Consequently, the order terminating the service under clause 16 is not a valid order. Further, the claimant joined service on 8th February, 1968 and if his services were being terminated on 1st September, 1973 he should have been given compensation etc. under the provisions of Section 25 F of the Industrial Disputes Act, 1947. In the letter Ex. M-1, there is no mention regarding the payment of compensation etc. In the ruling reported as *Naresh Chandra Das and Seventh Industrial Tribunal and others*, 1982-II-LLJ-64, it is laid down that the termination of service in accordance with the Standing orders for continued absence without leave amounts to retrenchment. In the ruling reported as *Mohan Lal and Bharat Electronics Limited*, 1981-II-LLJ page 70, it is laid down that where the provisions of Section 25-F of the Industrial Disputes Act were not complied with, the termination was illegal. In the ruling reported as *Opsu Road Transport Corporation, Patiala Vs. Presiding Officer, Labour Court Patiala*, 1981-II-S.L.R. 445 it is laid down that loss of lien in terms of Standing order 17(4) of the Industrial Employment (Standing Orders) Rules, 1949, amounts to retrenchment and that the provisions of Section 25-F of the Industrial Disputes Act, 1947 were attracted. Consequently the impugned order dated 1st September, 1973 was illegal in-as-much-as the provisions of Section 25-F of the Industrial Disputes Act, 1947 were not complied with.

13. The representative of the management placed reliance on the ruling reported as *Burn Co. Ltd., and Their Employees*, 1957-I-LLJ page 226. In that case, the workman was arrested by the Government under West Bengal Security Act and detained in Jail from 25th January, 1949 to 5th April, 1951. This ruling is distinguishable on facts because the arrest in that case was not got made by the Company, but on the other hand the workman was arrested under the provisions of West Bengal Security Act. The second ruling is *M/s. reewheels India Ltd. Faridabad Petitioner V. State of Haryana and others*, 1984-Lab. I.C. N.O.C. 82 (Punj. & Har.)-40 in which, it is laid down that where the workman has been absenting from service for 8 consecutive days the termination of his service was justified. This ruling does not help the management because the provision,

of Section 25-F of the Industrial Disputes Act, 1947, have not been complied with in the present case. The 3rd ruling is **K.N. Vellayan and Government of Tamil Nadu** and another 1979-II-LLJ-186, in which, it is laid down that where the workman lost lien of employment for continued absence of more than eight consecutive days in terms of the Standing Orders, amounted to automatic termination of employment. This ruling is also of no help to the respondent because the provisions of Section 25-F of the Industrial Disputes Act, 1947, have not been complied with. Likewise, the ruling reported as **Villayan (K.N.), and others and Government of Tamil Nadu** another, 1979-I-LLN-610 and **Buckingham and Carnatic Company Ltd. and Venkatayya and another**, 1963-II-LLJ page 638, do not help the respondent as the services have been terminated in violation of the provisions of Section 25-F of the Industrial Disputes Act, 1947. The ruling reported as **Shaw Wallace and Co. Ltd. and Workman**, 1978-I.L.L.J. 482 is distinguishable on facts because in that case it was held that the question of claim between the appellant and the Court receiver cannot be gone into appeal because Court receiver was not a party in those proceedings but the dispute arose between the appellant and its workman. In the present case, the respondent is bound to take the claimant in service because his services were terminated in an illegal manner and M/s Telesound India Ltd. has been amalgamated with the respondent Company.

13. In view of the above discussion, it is held that the termination of services of the claimant was neither justified nor in order and as such he is entitled to reinstatement but would not get back wages from the respondent for the detailed reasons given in Issue No. 3 above. The award is passed accordingly.

R. N. BATRA,

Dated 12th April, 1985.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 315, dated 15th April, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government Haryana, Labour and Employment Departments Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-6Lab/4168.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s. Khidri Co-operative Credit and Service Society Ltd., Khidri, (Ambala) :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA AT AMBALA CITY.

Reference No. 324 of 1984

Old No. 38 of 1985

between

SHRI JAGMAL SINGH, WORKMAN AND THE MANAGEMENT OF MESSRS KHIDRI
CO-OPERATIVE CREDIT AND SERVICE SOCIETY LTD., KHIDRI (AMBALA)

Present :—

Shri Madhu Sudan Saran Cowshish, for workman.
None, for the respondent.

AWARD

The Hon'ble Governor of Haryana, in exercise of the powers conferred,—vide clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following disputes to the Presiding Officer, Labour Court, Faridabad, between Shri Jagmal Singh, workman and the management of Messrs Khidri Co-operative Credit and Service Society Ltd., Khidri (Ambala). The terms of the reference are as under :—

Whether the termination of services of Shri Jagmal Singh, workman was justified and in order ?
If not, to what relief is he entitled?

Jagmal Singh, workman alleged that he joined the services of respondent society as a Salesman on 6th October, 1976, and had been serving honestly and earnestly to the satisfaction of the superiors. But on 28th November, 1981 his services were terminated illegally in contravention of Section 25(F) of the Industrial Disputes Act, 1947.

Respondent were served. In spite of service respondent-management did not prefer to contest this dispute. Accordingly *ex parte* proceedings were taken up against the society.

Shri Jagmal Singh, workman appeared in the witness box and supported his case as narrated above.

I have heard workman in person as well as his authorised representative and have perused the *ex parte* evidence and think that the management was served but in spite of service it did not bother to contest the dispute. *Ex parte* proceedings were rightly taken up. From the *ex parte* evidence it is evident that Shri Jagmal Singh workman served the respondent from 6th October, 1976 to December, 1981. His services were terminated by the management without any notice, wages for notice period and retrenchment compensation were also not paid. So, the termination of the workman by the management is clearly in violation of Section 25 (F) of the Industrial Disputes Act, 1947.

I pass an *ex parte* award for re-instatement of the workman from the date of termination with continuity of service and with full back wages.

I pass my *ex parte* award accordingly.

Dated, the 11th April, 1985.

V. P. CHAUDHARY,

Presiding Officer,

Labour Court,
Ambala.

Endorsement No. 1084, dated Ambala City, the 27th April, 1985.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,

Labour Court,
Ambala.

No. 9/5/84-6 Lab/4172.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of Executive Engineer, P.W.D., (B.&R.) Mechanical Division, Karnal (Ambala) (Haryana).

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA AT AMBALA CITY (HARYANA)

Reference No. 73 of 1984

(Old No. 124 of 1980)

between

SHRI DHARAM VIR, WORKMAN AND THE MANAGEMENT OF EXECUTIVE ENGINEER,
P.W.D., (B&R), MECHANICAL DIVISION, KARNAL (HARYANA)

Present:—

None, for workman.

Shri N. S. Deshwal, for Respondent,

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute, to the Presiding Officer, Labour Court, Rohtak between Shri Dharam Vir workman and the management of Xen, PWD (B&R), Mechanical Division, Karnal. The terms of the reference are as under :—

Whether the termination of services of Shri Dharam Vir workman was justified and in order ?
If not, to what relief is he entitled to ?

Workman Dharam Vir has challenged the respondent that his services were terminated illegally in contravention of section 25(F) of the Industrial Disputes Act, 1947. Respondent contest it. Today the case was fixed for arguments. None for workman nor his authorised representative appeared to contest it, while Shri N. S. Deshwal was present for respondent-management. So reference is dismissed in default. File be consigned to record room.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated, the 6th April, 1985.

Endst. No. 1096, dated the 30th April, 1985.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/5/84-6Lab/4173.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and management M/s Indian Sulphacid Industries Ltd., G. T. Road, Shahbad Markanda (Kurukshetra).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA AT AMBALA CITY (HARYANA)

Reference No. (Old) 80 of 1983

Reference No. (New) 209 of 1984

between

SHRI B. N. GAUTAM, WORKMAN AND THE MANAGEMENT OF M/S INDIAN SULPHACID
INDUSTRIES LTD., G. T. ROAD, SHAHBAD MARKANDA (KURUKSHETRA)

Present.—

None for the workman.

Shri Mangat Ram, for respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes to the Presiding Officer, Labour Court, Faridabad between Shri B. N. Gautam workman and the management

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of M/s. Indian Sulphacid Industries, G. T. Road, Shahbad Markanda. The terms of the reference are as under :—

Whether the termination of services of Shri B. N. Gautam, workman was justified and in order ? If not, to what relief is he entitled to ?

Shri B. N. Gautam workman has challenged the management alleging that he was in the service of respondent. His services were terminated on 28th November, 1982 in contravention of section 25(F) of the Industrial Disputes Act, 1947. Notice was issued to respondent. Respondent filed written statement on 11th April, 1985 but from the side of workman none appeared so, the reference is dismissed in default.

V. P. CHAUDHARY,

Dated, the 11th April, 1985.

Presiding Officer,
Labour Court,
Ambala,

Endst. No. 1098, dated the 1st May, 1985.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Ambala.

No. 9/5/84-6Lab/4174.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Indian Oil Corporation, Mathura Jallandhar Pipe Line, Project (C), Ambala Pump Station, Ambala.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA AT AMBALA CITY (HARYANA).

Reference No. 311 of 1984

(Old No. 265 of 1983)

between

SHRI BHAGAT RAM, WORKMAN AND THE MANAGEMENT OF MESSRS INDIAN OIL CORPORATION, MATHURA JALLANDHAR PIPE LINE, PROJECT (C), AMBALA PUMP STATION, AMBALA.

Present.—

None, for workman.

Shri Ajay Kumar Jain, for respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to the Presiding Officer, Labour Court, Faridabad between Shri Bhagat Ram workman and the management of M/s Indian Oil Corporation, Limited Mathura Jallandhar Pipe Line Project (c). Ambala Pump Station, Ambala. The terms of the reference are as under :—

“Whether the termination of services of Shri Bhagat Ram was justified and in order ? If not, to what relief is he entitled to ?”

Workman Bhagat Ram, alleged that he was in the employment of the respondent and used to get Rs. 460 p.m. His services were terminated on 29th November 1982 in violation of Section 25 (F) of the Industrial Disputes Act, 1947. He has prayed for re-employment with continuity in service with

full back wages. Notice of the reference was issued to the Respondent management. Shri M. K. Goel with Shri Ajay Kumar Jain authorised representative of respondent appeared to contest the reference. Notice was served upon to Shri D. P. Pathak authorised representative of workman but inspite of that service neither Shri Bhagat Ram, workman nor Shri D. P. Pathak appeared. Shri D. P. Pathak generally appears at Panipat, so case was fixed at Panipat for 13th March, 1985. Shri Pathak was asked whether he wants to appear in this case on behalf of the workman or not. He made statement in the negative which was signed by him. Thereafter, this case was posted for further orders for 18th April, 1984 at Ambala Headquarter. Today neither workmen nor his authorised representative present. Shri Pathak's statement reads that workman Bhagat Ram has got better employment than employment of respondent, so workman is not interested to pursue this case. Shri Ajay Kumar Jain authorised representative of respondent is present, so the reference in hand is dismissed as not pressed by the workman. The personal address of the workman is not available on the records. This court cannot say whether the workman has been informed by his authorised representative or not about this case. So I would like to mention here that at any stage if the workman wants to pursue this dispute being not satisfied with the statement of his authorised representative can get the reference restored and can contest for his right if permissible under law.

Dated the 18th April, 1985.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Ambala.

Endst. No. 1099, dated 1st May, 1985

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Ambala.

No. 9/5/84-6Lab/4175.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s. Prem & Co., Industrial Area, Ambala Cantt. :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA AT AMBALA CITY, (HARYANA)

Reference No. 47 of 1985

between

SHRI LACHHMAN DASS SHAH WORKMAN AND THE MANAGEMENT OF
MESSERS PREM AND CO., INDUSTRIAL AREA, AMBALA CANTT.

Present.—

None, for workman.

None, for respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute between Shri Lachhman Dass, Shah workman and the management of Messrs Prem and Co., Industrial Area, Ambala Cantt. The terms of the reference are as under :—

Whether the termination of services of Shri Lachhman Dass Shah, workman was justified and in order? If not, to what relief is he entitled to ?

Workman Lachhman Dass Shah alleged that he remained in the service of respondent management for 4 months and performed his duties to the satisfaction of his employer, but on 29th November, 1984,

his services were terminated by the management in contravention of Section 25(F) of the Industrial Disputes Act, 1947. He has prayed for the relief of re-instatement with continuity in service with full back wages.

Notices were issued to management as well as workman. None of the parties were served. Registered letter received back with the report that parties are not available on the addresses given in reference.

I do not think any other alternative, but to file the reference. Due to the fact that their addresses are incomplete and they cannot be served. The parties case may time and get the so the matter in dispute is disposed of accordingly.

Dated the 19th April, 1985.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 1100, dated the 1st May, 1985.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/5/84-Lab/4176.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of The Secretary, H.S.E.B., Sector 17, Chandigarh and The Executive Engineer, H.S.E.B., C/W Division No. I, Ambala City.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA AT AMBALA CITY (HARYANA)

Reference No. 49 of 1985

between

SHRI PARSU RAM, WORKMAN AND THE MANAGEMENT OF THE SECRETARY,
HARYANA STATE ELECTRICITY BOARD, SECTOR 17, CHANDIGARH AND THE
EXECUTIVE ENGINEER, H.S.E.B., C/W DIVISION NO. I, AMBALA CITY.

Present :—

None, for Workman.

Shri Girdhari Lal UDC, for Respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (c) of sub-section (1) of Section 10 of the industrial dispute Act, 1947, referred the following disputes between Shri Parsu Ram, workman and the management of The Secretary, Haryana State Electricity Board, Sector 17, Chandigarh and the Executive Engineer, C/W Division No. 1, Haryana State Electricity Board, Ambala City. The terms of the reference are as under:—

Whether the termination of services of Shri Parsu Ram, workman, was justified and in order? If not, to what relief is he entitled to?

Workman Parsu Ram alleged that he joined the services of respondent-management as a mali in C/W Division No. 4, H.S.E.B. at Panipat and served at many places. His services were illegally terminated in contravention of section 25 (F) of the Industrial Disputes Act, 1947. He prayed for re-instatement and relief of continuity in service with full back wages.

Notices of this reference was served upon the respondent-management, on 26th February, 1985 and a letter was received from the under Secretary (IR) for Secretary to the Haryana State Electricity Board which reads that workman has been taken in service. This case was fixed for 19th April, 1985. On that

date workman did not appear. Shri Rajeshwar Nath pleaded no instructions to appear on behalf of workman. Shri Girdhari Lal, UDC appeared for respondent. In view of the letter of department I think that the workman is not interested to contest the dispute. So I deem it proper to file this reference with the directions if workman desire to contest the dispute he will be at liberty to get the reference restored and seek relief against the respondent.

In view of my above observations the matter stands disposed of for the time being.

Dated the 19th April, 1985.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1101, dated the 1st May, 1985.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/5/84-Lab/4177.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of The Managing Director, Haryana Matches Ltd., Yamunanagar :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA AT AMBALA CITY (HARYANA)

Reference No. 349 of 1984

(Old No. 137 of 1983)

between

SHRI LAXMI PERSHAD WORKMAN AND THE MANAGEMENT OF THE MANAGING
DIRECTOR, HARYANA MATCHES LTD., SCO NO. 32-33-34, SECTOR 17-C,
CHANDIGARH AND M/S. HARYANA MATCHES LTD., YAMUNANAGAR

Present.—

None, for the workman.

None, for the respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to the Presiding Officer, Labour Court, Faridabad between Shri Laxmi Pershad, workman and the management of the Managing Director, Haryana Matches Ltd., SCO No. 32-33-34 Sector-17-C, Chandigarh and M/s. Haryana Matches Ltd., Yamunanagar. The terms of the reference are as under :—

Whether the termination of services of Shri Laxmi Parshad, workman, was justified and in order? If not, to what relief is he entitled to?

Workman Laxmi Pershad alleged that he has been working as a peon-cum-Chowkidar with the respondent management since 25th June, 1972 but the respondent terminated his services in contravention of section 25 (F) of the Industrial Disputes Act 1947.

Notices were issued to both the parties. None of the parties were served, it was reported by the Postman that none of the parties available on the addresses available in this case. In these

circumstances I think that none of the parties can be served and for want of proper address. Accordingly this reference is filed for the time being with the directions, if the parties so desires the reference shall be taken up and the matter shall be disposed of on merit. File be consigned to record room.

Dated, the 22nd April, 1985.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Ambala.

Endst. No. 1104, dated the 1st May, 1985.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Ambala.

No. 9/5/84-Lab/.4178—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala; in respect of the dispute between the workman and the management of Officer Commanding Military Petrol Depot, Near Ghee Godam, G. T. Road Ambala Cantt.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA
AT AMBALA CITY (HARYANA)

Reference No. 307 of 1984

(Old No. 412 of 1983)

between

SHRI RA M NARAIN WORKMAN AND THE MANAGEMENT OF OFFICER COMMANDING
MILITARY PETROL DEPOT NEAR GHEE GODAM G. T. ROAD, AMBALA CANTT

Present :—

None, for workman.

Shri Bhim Singh Subedar, for respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute, between Shri Ram Narain workman and the management of Officer Commanding Military Petrol Depot, Near Ghee Godam, G. T. Road, Ambala Cantt. The terms of the reference are as under :—

Whether the termination of services of Shri Ram Narain workman was justified and in order? If not, to what relief is he entitled to?

Ram Narain workman alleged that he joined the services of the respondent as a labourer. His services were terminated on 1st April, 1982 illegally in contravention of section 25 (F) of Industrial Disputes Act, 1947.

Notices were issued to both the parties. Respondent-management appeared. Workman could not be served for want of complete and correct address. So the reference is filed. It shall be taken up as and when workman turned up with the prayer to contest it. Accordingly the file be consigned to record room,

Dated the 23rd April, 1985.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 1105, dated 1st May, 1985.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.